

REMARKS

Reconsideration of all grounds of rejection in the Office Action and allowance of the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-12 remain herein. Claims 1, 6 and 10 are independent claims. New claim 13 has been added, which depends from claim 1, and recites that the DHCP server contained in the OLT assigns an IP address to an ONT without broadcasting the assignment. Support is found in the specification at least at page 7, lines 19-22.

With regard to the drawing objections, Applicant respectfully submits that replacement sheet for FIGS. 1 and 2 have been submitted herewith, in which the drawings contain the legend "Prior Art".

With regard to the claim objections, Applicant respectfully submits that claims 3 and 12 have been amended in accordance with the Examiner's suggestions.

Accordingly, all grounds of objection in the Office Action are now overcome.

Claims 1, 4, 6 and 8-10 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Koch *et al.* (U.S. Pat. Appln. Publication 2004/0042446 A1) ("Koch"). Claims 2 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Koch in view of Barnard *et al.* (U.S. Pat. Appln. Pub. 2003/0005097 A1) ("Barnard"). Claims 3 and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Koch in view of Sobel *et al.* (U.S. 7,249,187 B2) ("Sobel"). Claims 5 and 7 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Koch in view of

Tams *et al.* (U.S. 6,862,286) ("Tams"). Applicant respectfully traverses this ground of rejection for the reasons indicated herein below.

Applicant respectfully submits that Koch fails to disclose all the elements recited in the base claims, and thus, all of the rejections under 35 U.S.C. §102(e), and 35 U.S.C. §103(a) (which rely on Koch in combination with other references) should be withdrawn. In fact, the Office Action characterizes Koch in a way that is contrary to the reference, as well as being contrary to the understanding of terminology as known to a person of ordinary skill in the art, as discussed below.

Koch fails to disclose at least the first step recited in claim 1 (or the similar recitation of independent apparatus claims 6 and 10) of "including a dynamic host configuration protocol server in the OLT"). Applicant respectfully submits that grouping everything together in Koch and alleging that it constitutes an OLT is counter-intuitive.

With regard to the rejection under 35 U.S.C. §102(e), it is stated in the Office Action, on page 3, last full paragraph, that "Koch discloses PON interface 12 and DHCP server 36 (**together constituting the claimed OLT**)" (emphasis added in boldface).

However, FIG. 2 clearly shows routers 20A-20N respectively connected to DHCP servers 36A-36N and the routers connect the respective PON interface modules 34A-34M of PON interface 12. Accordingly, grouping the DHCP servers and routers used to communicate to the PON module cannot collectively be referred to as an OLT, and thus Koch fails to anticipate claims 1, 6 and 10 at least for the reason that there is no DHCP server included in the OLT, as recited in the present claims.

With regard to Koch, as well as the terms used and understood by persons of ordinary skill in the art, routers are devices that join multiple wired or wireless networks

together. A router is a Layer 3 gateway, meaning that the wired/wireless router connects networks (as gateways do), and that the router operates at the network layer of the OSI model. An OLT (Optical Line Termination) does not comprise a network server connected via a router, as the reference to the OLT in the Office Action is contrary to industry used and understood definitions, as well as the operation of the reference itself.

A person of ordinary skill would not refer to a server and an interface module connected via a router as an OLT. Thus, Koch fails to disclose all of the elements recited in independent claims 1, 6 and 10.

In accordance with MPEP 2131, under 35 U.S.C. §102, according to the United States Court of Appeals for the Federal Circuit, a “claim is **anticipated only if each and every element as set forth in the claim is found**, either expressly or inherently described, **in a single prior art reference**” (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added)). Therefore, to reject a feature, which is alleged to patentably distinguish the claim containing such feature, as being anticipated by a prior art, the Office Action must establish that the same feature is present in the prior art reference. As Koch fails to disclose each and every element as set forth in claims 1, 6 and 10, these independent claims are not anticipated by the reference.

In addition, Applicant respectfully submits that a relay agent or proxy agent 38 in the PON interface module 34 of Koch also does not constitute a DHCP server because it does not perform the functions of the server.

For at least the above reasons, Applicant respectfully submits that the rejection of independent claims 1, 6 and 10 under 35 U.S.C. §102(e) is overcome. Applicant

respectfully submits that with regard to claims 2-5, 7-9 and 11-13, each of which is allowable at least for dependence from an allowable base claim (which is believed allowable at least for the reasons discussed above), and because of a separate basis for patentability. Individual consideration of all dependent claims 2-5, 7-9 and 11-13 on their own merits is respectfully requested as well.

With regard to the rejections under 35 U.S.C. §103(a), Applicant respectfully submits the combinations of Koch and Barnard, or Koch and Sobel, or Koch and Tams, all fail as combinations to disclose or suggest any of the present claims. For example, none of the combinations of references discloses or suggests the DHCP being included in the OLT, as recited in claims 1, 6 and 10, thus rendering any of the claims dependent therefrom as allowable at least for this reason. Nor would the combination of elements, as combined in the present claims, have been obvious to a person of ordinary skill in the art at the time of invention in view of the knowledge in the art.

In accordance with MPEP 2143, with regard to the rejections of claims under 35 U.S.C. §103(a), Applicant respectfully submits that the United States Court of Appeals for the Federal Circuit required a showing of **an un rebutted prima facie case of obviousness** (*In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998) (citing *In re Deuel*, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995))). According to United States Court of Customs and Patent Appeals, the predecessor to the Federal Circuit, the *prima facie* case can be established only if the prior art references, among others, **teach or suggest all features** in the claims (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1970); see also **MPEP 2143.03**), or if the claim or claims recite features **as combined in the claims** that would have been within the ordinary skill in the art (*KSR*

International Co. v. Teleflex Inc. et al., No. 04-1350, U.S. Supreme Court, decided April 30, 2007).

For at least the above reasons, all rejections under 35 U.S.C. §103(a) are overcome.

Finally, with regard to new claim 13, Applicant respectfully submits that Koch, alone or in combination with any of the cited references, discloses or suggests **the DHCP server contained in the OLT assigns an IP address to an ONT without broadcasting the assignment**. Claim 11 recites a novel way of not requiring the broadcast of IP assignments, which is not disclosed or suggest by the cited references, nor by the conventional method discussed in the Applicant's background section of the application. For at least these reasons, new claim 13 is patentable over the references, and would not have been obvious within the level of ordinary skill in the art.

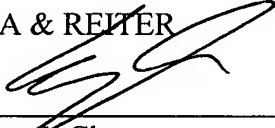
For all the foregoing reasons, Applicant respectfully submits that all grounds of objection and rejection in the Office Action are overcome. A Notice of Allowance is respectfully requested.

In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470.

If the Examiner has any questions regarding this Application, it is respectfully requested that the Applicant's attorney of record be contacted at the below-noted telephone number.

Respectfully submitted,

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